



Reprinted  
February 28, 2006

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## ENGROSSED HOUSE BILL No. 1102

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DIGEST OF HB 1102 (Updated February 27, 2006 5:15 pm - DI 73)

**Citations Affected:** IC 5-3; IC 5-11; IC 5-23; IC 6-1.1; IC 8-6; IC 12-19; IC 12-20; IC 33-36; IC 36-1; IC 36-2; IC 36-4; IC 36-6; IC 36-7; IC 36-8; IC 36-9; noncode.

**Synopsis:** Local government matters. Specifies that the annual reports filed with the state board of accounts by governmental units must show the business addresses of officers and employees. (Current law specifies only that the "addresses" must be included.) Provides that in the case of a notice that must be given by a municipality under the publication procedures statutes, a city or town must publish the required notice one time at least 10 days before the event or action. Provides that if a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county and the notice contains an error or omission for which the county auditor is responsible: (1) the county auditor must publish (at the county auditor's expense) a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision; (2) the department of local government finance may correct the error or omission at any time; and (3) the maximum amount to which the department of local government finance may increase the tax rate, tax levy, or budget is the  
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**Effective:** Upon passage; January 1, 2006 (retroactive); July 1, 2006.

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**Ayres, Hinkle, Stevenson, Aguilera**

(SENATE SPONSOR — LAWSON C)

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January 5, 2006, read first time and referred to Committee on Local Government.  
January 17, 2006, amended, reported — Do Pass.  
January 23, 2006, read second time, amended, ordered engrossed.  
January 24, 2006, engrossed.  
January 26, 2006, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 1, 2006, read first time and referred to Committee on Tax and Fiscal Policy.  
February 14, 2006, amended, reported favorably — Do Pass.  
February 27, 2006, read second time, amended, ordered engrossed.

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amount originally fixed by the political subdivision and not the amount incorrectly published or omitted in the notice. Provides that certain specified facilities, such as golf courses, massage parlors, and racetracks, are not eligible for the "automatic abatement" for personal property. (Current law provides that these facilities are not eligible for the automatic abatement for real property.) Amends the county recorder fee statute to provide that the cost of furnishing a page not larger than 8 1/2 inches by fourteen inches is \$1, regardless of whether or not the page is produced by a photographic process. Allows a county legislative body to reduce the statutory fee charged by the county recorder for providing copies of records. Provides that a political subdivision has two weeks (rather than one week) to respond to the department of local government finance (DLGF) if the DLGF revises the political subdivision's budget, tax rate, or tax levy. Provides that in addition to any publication requirements, a civil taxing unit (other than a county, first class city, or second class city) must post printed notice of a petition requesting approval from the department of local government finance to incur bonded indebtedness in three prominent places in the civil taxing unit. Allows transfers to the political subdivision's rainy day fund to be made at any time. Provides that an appeal by a township board to borrow money to fund township assistance is made directly to the department of local government finance. Repeals provisions concerning appeals by townships to county commissioners and county councils for the borrowing of money for township assistance. Repeals provisions concerning county borrowing for township assistance. Repeals a provision authorizing the county fiscal body to levy property taxes and make an appropriation to advance money to a township for township assistance if the county commissioners determine that there will be insufficient money in the township assistance fund. Allows the northwestern Indiana regional planning commission to pay a claim or purchase order without obtaining a vendor's signature. Provides that a claim for reimbursement of mileage, meal, and lodging expenses to attend a state board of accounts conference may not be denied if the claim meets statutory requirements. Allows a municipality to adopt an ordinance providing for meal expense advances for a municipal employee who will be traveling on official business. Increases from \$100 to \$250 the maximum amount that a violations clerk may accept for payment of ordinance violations. Provides that the amount that may be accepted shall be set by ordinance. Increases the cost threshold at which bids are required for certain political subdivisions under the local public works statute to \$50,000. Specifies that small towns and certain other political subdivisions can use the same process that third class cities and large towns use involving requests for quotes when a public work project is estimated to cost at least \$25,000 and less than \$50,000. Eliminates the requirement that a city legislative body hold its first regular meeting of the year at 7:30 p.m. on a Monday. Establishes a deadline of September 30 for a municipality to address property tax and budget matters and to set employee compensation for the following year. Provides that, beginning July 1, 2007, the trustee of each township in Lake, Porter, and LaPorte counties shall appoint a member to the northwestern Indiana regional planning commission if the township: (1) has a population of at least 8,000; and (2) does not contain a municipality. Reestablishes the northwest Indiana transportation study commission. (The existing northwest Indiana transportation study commission expired November 2, 2005.) Authorizes a municipality to establish a sewer improvement and extension fund and impose assessments to finance the construction, repair, or improvement of a sewage works. Provides that assessments are imposed and collected in the same manner as Barrett Law assessments. Adds the following two members to the board of the regional bus authority serving Lake County and Porter County: (1) One member appointed by the township trustee of

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the township containing the towns of Chesterton, Porter, Burns Harbor, and Dune Acres. (2) One member appointed jointly by the township trustees of Washington, Morgan, Pleasant, Boone, Union, Porter, Jackson, Liberty, and Pine townships in Porter County. Deletes a provision specifying that members of the board from Porter County may not vote on certain issues unless Porter County makes payments to the authority. Changes the definition of "newspaper" for purposes of the statutes concerning publication of notices. Specifies that in a year in which there is not an election of members to the township board, the township board may by unanimous vote reduce the salaries of the members of the township board by any amount. Provides that compensation of city officers and employees may be increased by the mayor during the budget year for which the compensation has been fixed. (Current law allows the mayor to decrease compensation.) Specifies certain actions that entities may take after entering into an interlocal cooperation agreement related to economic development projects. Provides that in the case of a town that has a population of less than 10,000 and that changes into a city, the ordinance dividing the town into city legislative body districts may provide that: (1) the city shall be divided into three districts; and (2) the legislative body of the city is composed of three members elected from the districts and two at-large members. Makes other changes concerning local government.

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Reprinted  
February 28, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1102

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this  
3       chapter, "newspaper" refers to a newspaper:  
4       (1) that:  
5           (1) (A) is a daily, weekly, semiweekly, or triweekly newspaper  
6           of general circulation;  
7           (2) (B) has been published for at least three (3) consecutive  
8           years in the same city or town;  
9           (3) (C) has been entered, authorized, and accepted by the  
10          United States Postal Service for at least three (3) consecutive  
11          years as mailable matter of the periodicals class; and  
12          (4) (D) has at least fifty percent (50%) of all copies circulated  
13          paid for by subscribers or other purchasers at a rate that is not  
14          nominal; **or**

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(2) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;

(C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation month for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspapers' United States Postal Service Statement of Ownership published by the newspapers in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

SECTION 2. IC 5-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with IC 5-3-1.

(b) **Except as provided in subsection (n)**, if the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h), notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) **Except as provided in subsection (n)**, if the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) **Except as provided in subsection (n)**, if the event is a sale of

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bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

(1) the first publication made at least fifteen (15) days before the date of the sale; and

(2) the second publication made at least three (3) days before the date of the sale.

(e) **Except as provided in subsection (n)**, if the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) **Except as provided in subsection (n)**, if the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) **Except as provided in subsection (n)**, if the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) **Except as provided in subsection (n)**, if the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) In case any officer charged with the duty of publishing any notice required by law is unable to procure advertisement at the price fixed by law, or the newspaper refuses to publish the advertisement, it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of advertisement in newspapers.

(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter.

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(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.

**(n) This subsection applies to notices published by officers of a city or town. In the case of an event or action for which notice is required to be given by publication in accordance with this chapter, a city or town must publish the required notice one (1) time at least ten (10) days before the event or action.**

SECTION 3. IC 5-3-1-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. **(a)** A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

- (1) a reasonable person would not be misled by the error or omission; and
- (2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

**(b) This subsection applies if:**

- (1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;**
- (2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and**
- (3) the county auditor is responsible for the error or omission described in subdivision (2).**

**Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision.**

SECTION 4. IC 5-11-10-1, AS AMENDED BY P.L.127-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** This section applies to the state and its political subdivisions. However, this section does not apply to the following:

- (1) The state universities.
- (2) Ivy Tech Community College of Indiana.
- (3) A municipality (as defined in IC 36-1-2-11).

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- (4) A county.
- (5) An airport authority operating in a consolidated city.
- (6) A capital improvements board of managers operating in a consolidated city.
- (7) A board of directors of a public transportation corporation operating in a consolidated city.
- (8) A municipal corporation organized under IC 16-22-8-6.
- (9) A public library.
- (10) A library services authority.
- (11) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
- (12) A school corporation (as defined in IC 36-1-2-17).
- (13) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (14) A municipally owned utility (as defined in IC 8-1-2-1).
- (15) A board of an airport authority under IC 8-22-3.
- (16) A conservancy district.
- (17) A board of aviation commissioners under IC 8-22-2.
- (18) A public transportation corporation under IC 36-9-4.
- (19) A commuter transportation district under IC 8-5-15.
- (20) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (21) A county building authority under IC 36-9-13.
- (22) A soil and water conservation district established under IC 14-32.
- (23) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.**
- (b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.
- (c) The certificate provided for in subsection (b) is not required for:
  - (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;
  - (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
  - (3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or
  - (4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).
- (d) The disbursing officer shall issue checks or warrants for all

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claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 5. IC 5-11-10-1.6, AS AMENDED BY P.L.1-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A municipality (as defined in IC 36-1-2-11).
- (2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.
- (3) A county.
- (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.
- (6) A board of an airport authority under IC 8-22-3.
- (7) A board of aviation commissioners under IC 8-22-2.
- (8) A conservancy district.
- (9) A public transportation corporation under IC 36-9-4.
- (10) A commuter transportation district under IC 8-5-15.
- (11) The state.
- (12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (13) A levee authority established under IC 14-27-6.
- (14) A county building authority under IC 36-9-13.
- (15) A soil and water conservation district established under IC 14-32.

**(16) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.**

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

- (1) there is a fully itemized invoice or bill for the claim;
- (2) the invoice or bill is approved by the officer or person receiving the goods and services;

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(3) the invoice or bill is filed with the governmental entity's fiscal officer;

(4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and

(5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-20-13-10. **This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.**

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

(1) processed in accordance with this section; and

(2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts.

SECTION 6. IC 5-11-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a written or printed certified report, correctly and completely showing the names and **business** addresses of each and all officers, employees, and agents in their respective offices,

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1 departments, boards, commissions, and institutions, and the respective  
 2 duties and compensation of each, and shall forthwith file said report in  
 3 the office of the state examiner of the state board of accounts.  
 4 However, no more than one (1) report covering the same officers,  
 5 employees, and agents need be made from the state or any county, city,  
 6 town, township, or school unit in any one year.

7 SECTION 7. IC 5-11-14-1 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this  
 9 section, "official" includes the following:

10 (1) An elected official who is entitled to attend a conference  
 11 under this section.

12 (2) An individual elected to an office who is entitled to attend a  
 13 conference under this section.

14 (3) A deputy or an assistant to an elected official who is entitled  
 15 to attend a conference under this section.

16 (b) The state board of accounts shall annually call a conference of  
 17 each of the following:

18 (1) County auditors and auditors elect.

19 (2) County treasurers and treasurers elect.

20 (3) Circuit court clerks and circuit court clerks elect.

21 (c) Each of the conferences called under subsection (b):

22 (1) must be held at a time and place fixed by the state examiner;

23 (2) may be held statewide or by district; and

24 (3) may not continue for longer than three (3) days in any one (1)  
 25 year.

26 (d) The following training must be provided at each conference  
 27 called under subsection (b):

28 (1) The proper use of forms prescribed by the state board of  
 29 accounts.

30 (2) The keeping of the records of the respective offices.

31 (3) At the conference for county treasurers and treasurers elect,  
 32 investment training by the following:

33 (A) The treasurer of state.

34 (B) The board for depositories.

35 (C) Any other person the state examiner considers to be  
 36 competent in providing investment training.

37 (4) Any other training that, in the judgment of the state examiner,  
 38 will result in the better conduct of the public business.

39 (e) The state examiner may hold other conferences for:

40 (1) the officials described in subsection (b); or

41 (2) other county, city, or township officers;

42 whenever in the judgment of the state examiner conferences are

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1 necessary.

2 (f) Whenever a conference is called by the state board of accounts  
3 under this section, an elected official, at the direction of the state  
4 examiner, may require the attendance of:

5 (1) each of the elected official's appointed and acting chief  
6 deputies or chief assistants; and

7 (2) if the number of deputies or assistants employed:

8 (A) does not exceed three (3), one (1) of the elected official's  
9 appointed and acting deputies or assistants; or

10 (B) exceeds three (3), two (2) of the elected official's duly  
11 appointed and acting deputies or assistants.

12 (g) Each official **representing a unit and** attending any conference  
13 under this section shall be allowed **the following:**

14 **(1) A sum for mileage at a rate determined by the fiscal body**  
15 **of the unit the official represents** for each mile necessarily  
16 traveled in going to and returning from the conference by the  
17 most expeditious route. ~~a sum for mileage at a rate determined by~~  
18 ~~the fiscal body of the unit the official represents. Each official~~  
19 ~~shall also be allowed, while attending a conference called under~~  
20 ~~this section; Regardless of the duration of the conference, only~~  
21 **one (1) mileage reimbursement shall be allowed to the official**  
22 **furnishing the conveyance even if the official transports more**  
23 **than one (1) person.**

24 **(2) An allowance for lodging for each night preceding conference**  
25 **attendance in an amount equal to the single room rate. However,**  
26 **lodging expense, in the case of a one (1) day conference, shall**  
27 **only be allowed for persons who reside fifty (50) miles or farther**  
28 **from the conference location.**

29 ~~(3) Each official shall be reimbursed; Reimbursement of an~~  
30 **official, in an amount determined by the fiscal body of the unit**  
31 **the official represents, for meals purchased while attending a**  
32 **conference called under this section. Regardless of the duration**  
33 **of the conference, only one (1) mileage reimbursement shall be**  
34 **allowed to the official furnishing the conveyance although the**  
35 **official transports more than one (1) person.**

36 (h) The state board of accounts shall certify the number of days of  
37 attendance and the mileage for each conference to each official  
38 attending any conference under this section.

39 (i) All payments of mileage and lodging shall be made by the proper  
40 disbursing officer in the manner provided by law on a duly verified  
41 claim or voucher to which shall be attached the certificate of the state  
42 board of accounts showing the number of days attended and the

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number of miles traveled. All payments shall be made from the general fund from any money not otherwise appropriated and without any previous appropriation being made therefor.

**(j) A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section.**

SECTION 8. IC 5-23-5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. **(a)** If a recommendation to award the public-private agreement is made to the board, the board shall schedule a public hearing on the recommendation and publish notice of the hearing **as follows:**

**(1) In the case of a political subdivision other than a city or town,** one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing.

**(2) In the case of a city or town, one (1) time in accordance with IC 5-3-1-2(n) at least ten (10) days before the hearing.**

**(b)** The notice **under subsection (a)** shall include the following:

(1) The date, time, and place of the hearing.

(2) The subject matter of the hearing.

(3) A description of the public-private agreement to be awarded.

(4) The recommendation that has been made to award the public-private agreement to an identified offeror or offerors.

(5) The address and telephone number of the board.

(6) A statement indicating that the proposals and an explanation of the basis upon which the recommendation is being made are available for public inspection and copying at the principal office of the board during regular business hours.

SECTION 9. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana;

and

(2) creates or retains employment;

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is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

**(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).**

SECTION 10. IC 6-1.1-17-3, AS AMENDED BY P.L.234-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

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- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. **In the case of a political subdivision other than a city or town**, the notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. **In the case of a city or town, the notice shall be published one (1) time under IC 5-3-1-2(n) at least ten (10) days before the date fixed for the public hearing.**

(b) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(c) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(d) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 11. IC 6-1.1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget

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1 year as follows:

- 2 (1) The fiscal body of a consolidated city and county, not later
- 3 than the last meeting of the fiscal body in September.
- 4 (2) The fiscal body of a ~~second class city~~, **municipality**, not later
- 5 than September 30.
- 6 (3) The board of school trustees of a school corporation that is
- 7 located in a city having a population of more than one hundred
- 8 five thousand (105,000) but less than one hundred twenty
- 9 thousand (120,000), not later than:
- 10 (A) the time required in section 5.6(b) of this chapter; or
- 11 (B) September 20 if a resolution adopted under section 5.6(d)
- 12 of this chapter is in effect.
- 13 (4) The proper officers of all other political subdivisions, not later
- 14 than September 20.

15 Except in a consolidated city and county and in a second class city, the  
 16 public hearing required by section 3 of this chapter must be completed  
 17 at least ten (10) days before the proper officers of the political  
 18 subdivision meet to fix the budget, tax rate, and tax levy. In a  
 19 consolidated city and county and in a second class city, that public  
 20 hearing, by any committee or by the entire fiscal body, may be held at  
 21 any time after introduction of the budget.

22 (b) Ten (10) or more taxpayers may object to a budget, tax rate, or  
 23 tax levy of a political subdivision fixed under subsection (a) by filing  
 24 an objection petition with the proper officers of the political  
 25 subdivision not more than seven (7) days after the hearing. The  
 26 objection petition must specifically identify the provisions of the  
 27 budget, tax rate, and tax levy to which the taxpayers object.

28 (c) If a petition is filed under subsection (b), the fiscal body of the  
 29 political subdivision shall adopt with its budget a finding concerning  
 30 the objections in the petition and any testimony presented at the  
 31 adoption hearing.

32 (d) This subsection does not apply to a school corporation. Each  
 33 year at least two (2) days before the first meeting of the county board  
 34 of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall  
 35 file with the county auditor:

- 36 (1) a statement of the tax rate and levy fixed by the political
- 37 subdivision for the ensuing budget year;
- 38 (2) two (2) copies of the budget adopted by the political
- 39 subdivision for the ensuing budget year; and
- 40 (3) two (2) copies of any findings adopted under subsection (c).

41 Each year the county auditor shall present these items to the county  
 42 board of tax adjustment at the board's first meeting.

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(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 12. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 6-1.1-19, or IC 6-1.1-18.5, the department of local government finance may not

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1 increase a political subdivision's budget by fund, tax rate, or tax levy to  
 2 an amount which exceeds the amount originally fixed by the political  
 3 subdivision. **However, if the department of local government**  
 4 **finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax**  
 5 **levy, or budget of the political subdivision, the maximum amount**  
 6 **by which the department may increase the tax rate, tax levy, or**  
 7 **budget is the amount originally fixed by the political subdivision,**  
 8 **and not the amount that was incorrectly published or omitted in**  
 9 **the notice described in IC 5-3-1-2.3(b).** The department of local  
 10 government finance shall give the political subdivision written  
 11 notification specifying any revision, reduction, or increase the  
 12 department proposes in a political subdivision's tax levy or tax rate.  
 13 The political subdivision has ~~one (1) week~~ **two (2) weeks** from the date  
 14 the political subdivision receives the notice to provide a written  
 15 response to the department of local government finance's Indianapolis  
 16 office. ~~specifying how to make the required reductions in the amount~~  
 17 ~~budgeted by fund.~~ **The response may include budget reductions,**  
 18 **reallocation of levies, a revision in the amount of miscellaneous**  
 19 **revenues, and further review of any other item about which, in the**  
 20 **view of the political subdivision, the department is in error.** The  
 21 department of local government finance shall ~~make reductions~~  
 22 **consider the adjustments** as specified in the political subdivision's  
 23 response if the response is provided as required by this subsection ~~and~~  
 24 ~~sufficiently specifies all necessary reductions.~~ ~~The department of local~~  
 25 ~~government finance may make a revision, a reduction, or an increase~~  
 26 ~~in a political subdivision's budget only by fund.~~ **and shall deliver a**  
 27 **final decision to the political subdivision.**

28 (e) The department of local government finance may not approve a  
 29 levy for lease payments by a city, town, county, library, or school  
 30 corporation if the lease payments are payable to a building corporation  
 31 for use by the building corporation for debt service on bonds and if:

- 32 (1) no bonds of the building corporation are outstanding; or
- 33 (2) the building corporation has enough legally available funds on  
 34 hand to redeem all outstanding bonds payable from the particular  
 35 lease rental levy requested.

36 (f) The department of local government finance shall certify its  
 37 action to:

- 38 (1) the county auditor;
- 39 (2) the political subdivision if the department acts pursuant to an  
 40 appeal initiated by the political subdivision;
- 41 (3) the first ten (10) taxpayers whose names appear on a petition  
 42 filed under section 13 of this chapter; and

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(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department acts under an appeal initiated by taxpayers under section 13 of this chapter, a taxpayer who signed the petition under that section.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in

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1 connection with this review of the budget.

2 (k) The department of local government finance may hold a hearing  
3 under subsection (c) only if the notice required in IC 6-1.1-17-12 is  
4 published at least ten (10) days before the date of the hearing.

5 SECTION 13. IC 6-1.1-18-5 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If the proper  
7 officers of a political subdivision desire to appropriate more money for  
8 a particular year than the amount prescribed in the budget for that year  
9 as finally determined under this article, they shall give notice of their  
10 proposed additional appropriation. The notice shall state the time and  
11 place at which a public hearing will be held on the proposal. **In the**  
12 **case of a political subdivision other than a city or town**, the notice  
13 shall be given once in accordance with IC 5-3-1-2(b). **In the case of a**  
14 **city or town, the notice shall be given once in accordance with**  
15 **IC 5-3-1-2(n).**

16 (b) If the additional appropriation by the political subdivision is  
17 made from a fund that receives:

18 (1) distributions from the motor vehicle highway account  
19 established under IC 8-14-1-1 or the local road and street account  
20 established under IC 8-14-2-4; or

21 (2) revenue from property taxes levied under IC 6-1.1;  
22 the political subdivision must report the additional appropriation to the  
23 department of local government finance. If the additional appropriation  
24 is made from a fund described under this subsection, subsections (f),  
25 (g), (h), and (i) apply to the political subdivision.

26 (c) However, if the additional appropriation is not made from a fund  
27 described under subsection (b), subsections (f), (g), (h), and (i) do not  
28 apply to the political subdivision. Subsections (f), (g), (h), and (i) do  
29 not apply to an additional appropriation made from the cumulative  
30 bridge fund if the appropriation meets the requirements under  
31 IC 8-16-3-3(c).

32 (d) A political subdivision may make an additional appropriation  
33 without approval of the department of local government finance if the  
34 additional appropriation is made from a fund that is not described  
35 under subsection (b). However, the fiscal officer of the political  
36 subdivision shall report the additional appropriation to the department  
37 of local government finance.

38 (e) After the public hearing, the proper officers of the political  
39 subdivision shall file a certified copy of their final proposal and any  
40 other relevant information to the department of local government  
41 finance.

42 (f) When the department of local government finance receives a

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certified copy of a proposal for an additional appropriation under subsection (e), the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department of local government finance receives the proposal.

(g) In making the determination under subsection (f), the department of local government finance shall limit the amount of the additional appropriation to revenues available, or to be made available, which have not been previously appropriated.

(h) If the department of local government finance disapproves an additional appropriation under subsection (f), the department shall specify the reason for its disapproval on the determination sent to the political subdivision.

(i) A political subdivision may request a reconsideration of a determination of the department of local government finance under this section by filing a written request for reconsideration. A request for reconsideration must:

- (1) be filed with the department of local government finance within fifteen (15) days of the receipt of the determination by the political subdivision; and
- (2) state with reasonable specificity the reason for the request.

The department of local government finance must act on a request for reconsideration within fifteen (15) days of receiving the request.

SECTION 14. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. **In addition to any publication requirements, a civil taxing unit other than a county, first class city, or second class city**

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**must post a printed notice of the petition in three (3) prominent places in the civil taxing unit.** A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

The department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 15. IC 8-6-2.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Upon the adoption of the resolution for separation or alteration of grades, the board shall cause notice of the adoption and intention, and of the fact that the maps, plans, specifications, agreements and estimates have been prepared and can be inspected, to be published in accordance with

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1 IC 5-3-1. The notice shall name a day not less than ~~twenty (20)~~ **ten (10)**  
 2 days after the date of the last publication on which the board will  
 3 receive or hear remonstrances from persons interested in or affected by  
 4 the proceedings and when it will determine the public necessity and  
 5 convenience of the project.

6 (b) A like notice shall be sent by mail to the owners of all lands to  
 7 be appropriated under and by the resolution, and in case any landowner  
 8 is a nonresident and his place of residence is known, a like notice shall  
 9 be mailed to him, but in event the nonresident owner's residence is  
 10 unknown by the board, then he is considered to have been notified of  
 11 the pendency of the proceedings by the publication of notice. A like  
 12 notice shall also be served on a resident agent or officer of any railroad  
 13 company or street railway company whose tracks are affected by the  
 14 proceeding, but failure to serve the notice shall not invalidate the  
 15 jurisdiction of the board in the premises.

16 (c) If the Indiana state highway commission and the county in which  
 17 the city is located participate in the proceedings, then a like notice shall  
 18 be served upon the state highway commission and upon the board of  
 19 commissioners of the county.

20 SECTION 16. IC 8-6-2.1-29 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) In order to raise  
 22 money to pay the city's portion of the total cost of an improvement and  
 23 in anticipation of the special benefit tax to be levied, the board shall  
 24 issue, in the name of the city, at one (1) time, or from time to time as  
 25 the proceeds are needed, the bonds of the grade separation or railroad  
 26 relocation and reconstruction district not to exceed in aggregate amount  
 27 the balance of the city's portion of the total cost after deducting from  
 28 the city's portion the total amount of benefits, if any, which have been  
 29 assessed by the board and finally confirmed or adjudged against lots  
 30 and parcels of land exclusive of improvements lying within two  
 31 thousand (2,000) feet of any grade crossing eliminated or altered by the  
 32 improvement, or within two thousand (2,000) feet of any lands or  
 33 rights-of-way abandoned in whole or in part for railroad use or from  
 34 which railroad facilities are to be removed.

35 (b) The bonds may be issued in any denomination not exceeding one  
 36 thousand dollars (\$1,000) each in not less than forty (40) nor more than  
 37 sixty (60) equal series, as the board determines, and shall be payable  
 38 one (1) series each six (6) months beginning on the first day of July of  
 39 the first year following the date of their issue. If the bond issue is  
 40 ordered in any calendar year after the date of the annual tax levy, then  
 41 the first series shall mature on the first day of July of the second year  
 42 and the balance of the bonds at the designated regular intervals. The

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bonds shall be negotiable as inland bills of exchange and shall bear interest payable on the first days of January and July of each year, the first interest to be payable on the first maturity date of the bonds.

(c) Upon adoption of a resolution ordering bonds, the board shall certify a copy of the resolution to the controller or clerk-treasurer of the city in which the grade separation district is located; that officer shall prepare the bonds, and the mayor of the city shall execute the bonds and the city controller or clerk-treasurer shall attest the execution. The bonds shall be exempt from taxation for all purposes. All bonds issued by the board shall be sold by the city controller or clerk-treasurer to the highest bidder, but not at less than par and accrued interest to date of delivery, after giving notice of sale of the bonds by publication in accordance with IC 5-3-1. The publication shall be made not less than ~~fifteen (15)~~ **ten (10)** days prior to the date fixed for the sale of the bonds.

(d) The bonds are not a corporate obligation or indebtedness of the city, but constitute an indebtedness of the district as a special taxing district, and the bonds and interest shall be payable only out of a special tax levied upon all property of the special taxing district, as in this chapter provided, and the bonds shall recite the terms upon their face, together with the purposes for which they are issued.

(e) No suit to question the validity of the bonds issued for the special taxing district, or to prevent their issue, may be maintained after the date set for the sale of the bonds, and all bonds after that date are incontestable for any cause.

SECTION 17. IC 12-19-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds issued under section 31 of this chapter:

(1) may be of any denomination that is:

(A) not less than fifty dollars (\$50); and

(B) not more than one thousand dollars (\$1,000);

(2) shall be payable:

(A) at any place named on the serial bonds; and

(B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 18. IC 12-19-7.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds

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issued under section 30 of this chapter:

(1) may be of any denomination that is:

(A) not less than fifty dollars (\$50); and

(B) not more than one thousand dollars (\$1,000);

(2) shall be payable:

(A) at any place named on the serial bonds; and

(B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 19. IC 12-20-21-2, AS AMENDED BY P.L.73-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes, either by a county or township, may not be considered as a part of and may not be commingled with other money of the county.~~ Township assistance money raised by townships may not be commingled. ~~except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 20. IC 12-20-24-1, AS AMENDED BY P.L.73-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal **to the department of local government finance** for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following:

(1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

(3) Indicate a period, not to exceed five (5) years, during which

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the township would repay the loan.

SECTION 21. IC 12-20-24-5, AS AMENDED BY P.L.73-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section~~ **section 1** of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account.

(b) If upon appeal under ~~section~~ **section 1** of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 22. IC 12-20-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners **or county council (for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

SECTION 23. IC 12-20-24-7, AS AMENDED BY P.L.73-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners **or a county council (for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department may not do any of the following:

(1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article.

(2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 24. IC 12-20-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township board:

(1) appeals before August 1 for permission to borrow money;

(2) receives permission from:

(A) the board of commissioners **or the county council, before July 1, 2006;** or

(B) the department;

to borrow money before November 1 of that year; and

(3) borrows money under this chapter;

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the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(b) If a township board:

(1) appeals after August 1 for permission to borrow money;

(2) receives permission from:

**(A) the board of commissioners or the county council, before July 1, 2006; or**

**(B) the department;**

to borrow money; and

(3) borrows money in the year of the appeal under this chapter;

the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

SECTION 25. IC 12-20-25-30, AS AMENDED BY P.L.73-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under ~~IC 12-20-23~~ or IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

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(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 26. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

(1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).

(2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 **(before its repeal)**, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.

(3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

(4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 27. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (**before its repeal**), and IC 12-20-23-19 (**before its repeal**), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted value of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county.

SECTION 28. IC 33-36-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The violations clerk may accept:

(1) written appearances;

(2) waivers of trial;

(3) admissions of violations; and

(4) payment of civil penalties **of up to a specific dollar amount set forth in an ordinance adopted by the legislative body, but not more than one two hundred fifty dollars (\$100); (\$250);**

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in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the legislative body.

SECTION 29. IC 36-1-7-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. (a) As used in this section, "economic development project" has the meaning set forth in IC 6-3.5-7-13.1(c). The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.**

**(b) An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:**

**(1) After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:**

**(A) One (1) or more entities that have entered into the agreement.**

**(B) An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.**

**(C) A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.**

**(D) A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).**

**(2) Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D).**

SECTION 30. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.**

**(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:**

**(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.**

**(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.**

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(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of at any time during~~ the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year.~~

SECTION 31. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26;

(2) at least fifty thousand dollars (\$50,000) in:

(A) a third class city or town with a population of more than five thousand (5,000); or

(B) a county containing a third class city or town with a population of more than five thousand (5,000); or

(3) at least ~~twenty-five~~ **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)** in a political subdivision or an agency not described in subdivision (1) or (2).

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(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.

(6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or

(B) reject all bids submitted.

(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

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(10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

(A) The ability and capacity of the bidder to perform the work.

(B) The integrity, character, and reputation of the bidder.

(C) The competence and experience of the bidder.

(12) The board shall require the bidder to submit an affidavit:

(A) that the bidder has not entered into a combination or agreement:

(i) relative to the price to be bid by a person;

(ii) to prevent a person from bidding; or

(iii) to induce a person to refrain from bidding; and

(B) that the bidder's bid is made without reference to any other bid.

(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

SECTION 32. IC 36-1-12-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:

(1) at least twenty-five thousand dollars (\$25,000) and less than seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26; or

(2) at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000) in:

(A) a third class city or town with a population of more than

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1 five thousand (5,000); ~~or~~

2 (B) a county containing a third class city or town with a  
3 population of more than five thousand (5,000); **or**

4 **(C) a political subdivision or agency not described in**  
5 **subdivision (1) or clauses (A) or (B).**

6 (b) The board must proceed under the following provisions:

7 (1) The board shall invite quotes from at least three (3) persons  
8 known to deal in the class of work proposed to be done by mailing  
9 them a notice stating that plans and specifications are on file in a  
10 specified office. The notice must be mailed not less than seven (7)  
11 days before the time fixed for receiving quotes.

12 (2) The board may not require a person to submit a quote before  
13 the meeting at which quotes are to be received. The meeting for  
14 receiving quotes must be open to the public. All quotes received  
15 shall be opened publicly and read aloud at the time and place  
16 designated and not before.

17 (3) The board shall award the contract for the public work to the  
18 lowest responsible and responsive quoter.

19 (4) The board may reject all quotes submitted.

20 SECTION 33. IC 36-1-12.5-5 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The governing  
22 body may enter into an agreement with a public utility to participate in  
23 a utility energy efficiency program or enter into a guaranteed energy  
24 savings contract with a qualified provider to reduce the school  
25 corporation's or the political subdivision's energy consumption costs or  
26 operating costs if, after review of the report described in section 6 of  
27 this chapter, the governing body finds:

28 (1) that the amount the governing body would spend on the  
29 energy conservation measures under the contract and that are  
30 recommended in the report is not likely to exceed the amount to  
31 be saved in energy consumption costs and other operating costs  
32 over ten (10) years from the date of installation if the  
33 recommendations in the report were followed; and

34 (2) in the case of a guaranteed energy savings contract, the  
35 qualified provider provides a written guarantee as described in  
36 subsection (d)(2).

37 (b) Before entering into an agreement to participate in a utility  
38 energy efficiency program or a guaranteed energy savings contract  
39 under this section, the governing body must publish notice under  
40 subsection (c) indicating:

41 (1) that the governing body is requesting public utilities or  
42 qualified providers to propose energy conservation measures

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through either a utility energy efficiency program or a guaranteed energy savings contract; and

(2) the date, the time, and the place where proposals must be received.

(c) The notice required by subsection (b) must:

(1) be published in two (2) newspapers of general circulation in the county where the school corporation or the political subdivision is located;

(2) be published two (2) times with at least one (1) week between publications and with the second publication made at least thirty (30) days before the date by which proposals must be received, **in the case of a governing body that is not the governing body of a city or town, and be published one (1) time at least ten (10) days before the date by which proposals must be received, in the case of a governing body of a city or town;** and

(3) meet the requirements of IC 5-3-1-1.

(d) An agreement to participate in a utility energy efficiency program or guaranteed energy savings contract under this section must provide that:

(1) all payments, except obligations upon the termination of the agreement or contract before the agreement or contract expires, may be made to the public utility or qualified provider (whichever applies) in installments, not to exceed the lesser of ten (10) years or the average life of the energy conservation measures installed from the date of final installation; and

(2) in the case of the guaranteed energy savings contract:

(A) the savings in energy and operating costs due to the energy conservation measures are guaranteed to cover the costs of the payments for the measures; and

(B) the qualified provider will reimburse the school corporation or political subdivision for the difference between the guaranteed savings and the actual savings; and

(3) payments are subject to annual appropriation by the fiscal body of the school corporation or political subdivision and do not constitute an indebtedness of the school corporation or political subdivision within the meaning of a constitutional or statutory debt limitation.

(e) An agreement or a contract under this chapter is subject to IC 5-16-7.

SECTION 34. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for

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1 recording, filing, copying, and other services the recorder renders, and  
 2 shall pay them into the county treasury at the end of each calendar  
 3 month. The fees prescribed and collected under this section supersede  
 4 all other recording fees required by law to be charged for services  
 5 rendered by the county recorder.

6 (b) The county recorder shall charge the following:

7 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each  
 8 additional page of any document the recorder records if the pages  
 9 are not larger than eight and one-half (8 1/2) inches by fourteen  
 10 (14) inches.

11 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for  
 12 each additional page of any document the recorder records, if the  
 13 pages are larger than eight and one-half (8 1/2) inches by fourteen  
 14 (14) inches.

15 (3) For attesting to the release, partial release, or assignment of  
 16 any mortgage, judgment, lien, or oil and gas lease contained on a  
 17 multiple transaction document, the fee for each transaction after  
 18 the first is the amount provided in subdivision (1) plus the amount  
 19 provided in subdivision (4) and one dollar (\$1) for marginal  
 20 mortgage assignments or marginal mortgage releases.

21 (4) One dollar (\$1) for each cross-reference of a recorded  
 22 document.

23 (5) One dollar (\$1) per page not larger than eight and one-half  
 24 (8 1/2) inches by fourteen (14) inches for furnishing copies of  
 25 records ~~produced by a photographic process~~; and two dollars (\$2)  
 26 per page that is larger than eight and one-half (8 1/2) inches by  
 27 fourteen (14) inches. **However, a county legislative body may**  
 28 **adopt an ordinance to reduce the fee charged by the county**  
 29 **recorder for furnishing copies under this subdivision. An**  
 30 **ordinance adopted under this subdivision must specify the**  
 31 **amount of the reduced fee that shall be charged by the county**  
 32 **recorder for furnishing copies under this subdivision.**

33 (6) Five dollars (\$5) for acknowledging or certifying to a  
 34 document.

35 (7) Five dollars (\$5) for each deed the recorder records, in  
 36 addition to other fees for deeds, for the county surveyor's corner  
 37 perpetuation fund for use as provided in IC 32-19-4-3 or  
 38 IC 36-2-12-11(e).

39 (8) A fee in an amount authorized under IC 5-14-3-8 for  
 40 transmitting a copy of a document by facsimile machine.

41 (9) A fee in an amount authorized by an ordinance adopted by the  
 42 county legislative body for duplicating a computer tape, a

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computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 35. IC 36-4-6-4, AS AMENDED BY P.L.230-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b), ~~or~~ (j), **or (m)** resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or~~ (j), **or (m)** shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

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1 This division may be made at any other time, subject to IC 3-11-1.5-32.

2 (h) This subsection does not apply to a city with an ordinance  
3 described by subsection (j) **or (m)**. The legislative body is composed  
4 of five (5) members elected from the districts established under  
5 subsection (b) and two (2) at-large members.

6 (i) This subsection does not apply to a city with an ordinance  
7 described by subsection (j) **or (m)**. Each voter of the city may vote for  
8 two (2) candidates for at-large membership and one (1) candidate from  
9 the district in which the voter resides. The two (2) at-large candidates  
10 receiving the most votes from the whole city and the district candidates  
11 receiving the most votes from their respective districts are elected to  
12 the legislative body.

13 (j) A city may adopt an ordinance under this subsection to divide the  
14 city into four (4) districts that:

- 15 (1) are composed of contiguous territory;
- 16 (2) are reasonably compact;
- 17 (3) do not cross precinct boundary lines, except as provided in  
18 subsection (c) or (d); and
- 19 (4) contain, as nearly as is possible, equal population.

20 (k) This subsection applies to a city with an ordinance described by  
21 subsection (j). The legislative body is composed of four (4) members  
22 elected from the districts established under subsection (j) and three (3)  
23 at-large members.

24 (l) This subsection applies to a city with an ordinance described by  
25 subsection (j). Each voter of the city may vote for three (3) candidates  
26 for at-large membership and one (1) candidate from the district in  
27 which the voter resides. The three (3) at-large candidates receiving the  
28 most votes from the whole city and the district candidates receiving the  
29 most votes from their respective districts are elected to the legislative  
30 body.

31 **(m) This subsection applies only if the ordinance adopted under**  
32 **IC 36-4-1.5-3 by the town legislative body of a town that has a**  
33 **population of less than ten thousand (10,000) and that changes into**  
34 **a city specifies that the city legislative body districts are governed**  
35 **by this subsection. The ordinance adopted under**  
36 **IC 36-4-1.5-3(b)(1) dividing the town into city legislative body**  
37 **districts may provide that:**

- 38 **(1) the city shall be divided into three (3) districts that:**
- 39 **(A) are composed of contiguous territory;**
- 40 **(B) are reasonably compact;**
- 41 **(C) do not cross precinct boundary lines, except as**  
42 **provided in subsection (c) or (d); and**

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**(D) contain, as nearly as is possible, equal population; and  
(2) the legislative body of the city is composed of three (3)  
members elected from the districts established under this  
subsection and two (2) at-large members.**

**Each voter of the city may vote for two (2) candidates for at-large  
membership and one (1) candidate from the district in which the  
voter resides. The two (2) at-large candidates receiving the most  
votes from the whole city and the district candidates receiving the  
most votes from their respective districts are elected to the  
legislative body.**

~~(m)~~ **(n)** A copy of the ordinance establishing districts under this  
section must be filed with the circuit court clerk of the county that  
contains the greatest population of the city no later than thirty (30) days  
after the ordinance is adopted.

~~(n)~~ **(o)** If any territory in the city is not included in one (1) of the  
districts established under this section, the territory is included in the  
district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that  
territory.

~~(o)~~ **(p)** If any territory in the city is included in more than one (1) of  
the districts established under this section, the territory is included in  
the district that:

- (1) is one (1) of the districts in which the territory is described in  
the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that  
territory.

SECTION 36. IC 36-4-6-7 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The legislative  
body shall hold its first regular meeting ~~in its chamber at 7:30 p.m. on~~  
~~the first Monday~~ in January after its election. In subsequent months, the  
legislative body shall hold regular meetings at least once a month,  
unless its rules require more frequent meetings.

(b) A special meeting of the legislative body shall be held when  
called by the city executive or when called under the rules of the  
legislative body.

SECTION 37. IC 36-4-6-8 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection  
applies only to second class cities. At its first regular meeting under  
section 7 of this chapter, and ~~on the first Monday of~~ each succeeding  
January, the legislative body shall choose from its members a president

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1 and a vice president.

2 (b) This subsection applies only to third class cities. The city  
3 executive shall preside at all meetings of the legislative body, but may  
4 vote only in order to break a tie. At its first regular meeting under  
5 section 7 of this chapter and ~~on the first Monday of~~ each succeeding  
6 January, the legislative body shall choose from its members a president  
7 pro tempore to preside whenever the executive is absent.

8 SECTION 38. IC 36-4-7-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this  
10 section, "compensation" means the total of all money paid to an elected  
11 city officer for performing duties as a city officer, regardless of the  
12 source of funds from which the money is paid.

13 (b) The city legislative body shall, by ordinance, fix the annual  
14 compensation of all elected city officers. The ordinance must be  
15 published **once** under IC 5-3-1, with the **first** publication **made** at least  
16 ~~thirty (30)~~ **ten (10)** days before final passage by the legislative body.

17 (c) The compensation of an elected city officer may not be changed  
18 in the year for which it is fixed, nor may it be reduced below the  
19 amount fixed for the previous year.

20 SECTION 39. IC 36-4-7-3 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does  
22 not apply to compensation paid by a city to members of its police and  
23 fire departments.

24 (b) Subject to the approval of the city legislative body, the city  
25 executive shall fix the compensation of each appointive officer, deputy,  
26 and other employee of the city. The legislative body may reduce but  
27 may not increase any compensation fixed by the executive.  
28 Compensation must be fixed under this section ~~before~~

29 ~~(1) September 20 for a third class city; and~~

30 ~~(2) September 30 for a second class city;~~

31 **not later than September 30** of each year for the ensuing budget year.

32 (c) Compensation fixed under this section may ~~not~~ be increased **or**  
33 **decreased by the executive** during the budget year for which it is  
34 fixed. ~~but may be reduced by the executive.~~

35 (d) Notwithstanding subsection (b), the city clerk may, with the  
36 approval of the legislative body, fix the salaries of deputies and  
37 employees appointed under IC 36-4-11-4.

38 SECTION 40. IC 36-4-7-11 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. If the city  
40 legislative body does not pass the ~~ordinances~~ **ordinance** required by  
41 section 7 of this chapter ~~on or before~~

42 ~~(1) September 20 for a third class city; and~~

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(2) ~~September 30~~ for a second class city;  
**before October 1** of each year, the most recent annual appropriations  
 and annual tax levy are continued for the ensuing budget year.

SECTION 41. IC 36-6-6-10 IS AMENDED TO READ AS  
 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section  
 does not apply to the appropriation of money to pay a deputy, an  
 employee, or a technical adviser that assists a township assessor with  
 assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may  
 reduce the salary of an elected or appointed official. However, **except  
 as provided in subsection (i)**, the official is entitled to a salary that is  
 not less than the salary fixed for the first year of the term of office that  
 immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the  
 township legislative body may not alter the salaries of elected or  
 appointed officers during the fiscal year for which they are fixed, but  
 it may add or eliminate any other position and change the salary of any  
 other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under  
 IC 36-6-5-1, the township legislative body may appropriate available  
 township funds to supplement the salaries of elected or appointed  
 officers to compensate them for performing assessing duties. However,  
 in any calendar year no officer or employee may receive a salary and  
 additional salary supplements which exceed the salary fixed for that  
 officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and  
 employees is established by July 1 of any year, that change shall be  
 included in the compensation fixed for the township executive and  
 assessor under this section, to take effect January 1 of the next year.  
 However, the township legislative body may by ordinance provide for  
 the change in the sum per mile to take effect before January 1 of the  
 next year.

(g) The township legislative body may not reduce the salary of the  
 township executive without the consent of the township executive  
 during the term of office of the township executive as set forth in  
 IC 36-6-4-2.

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(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

**(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the township legislative body by any amount.**

SECTION 42. IC 36-7-7.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

**(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:**

**(A) is located in a county described in section 1 of this chapter;**

**(B) has a population of at least eight thousand (8,000); and**

**(C) does not contain a municipality.**

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

SECTION 43. IC 36-7-7.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six (26)~~ **A majority of the** commission members constitute a quorum.

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(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six (26)~~ **a majority of the** members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by

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the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(4) **In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:**

**STEP ONE: Determine the population of the township as reported by the 2000 decennial census.**

**STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.**

**STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.**

**STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).**

**STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).**

SECTION 44. IC 36-8-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A majority of the members of the safety board constitutes a quorum. The board shall adopt rules concerning the time of holding regular and special meetings

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and of giving notice of them. The board shall elect one (1) of its members chairman, who holds the position as long as prescribed by the rules of the board. The board shall record all of its proceedings.

(b) The members of the safety board may act only as a board. No member may bind the board or the city except by resolution entered in the records of the board authorizing ~~him~~ **the member** to act in its behalf as its authorized agent.

(c) The safety board shall appoint:

(1) the members and other employees of the police department other than those in an upper level policymaking position;

(2) the members and other employees of the fire department other than those in an upper level policymaking position;

(3) a market master; and

(4) other officials that are necessary for public safety purposes.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the legislative body ~~before~~

~~(1) September 20 for a second class city; and~~

~~(2) September 20 for a third class city;~~

**not later than September 30** of each year for the ensuing budget year.

The ordinance may grade the members of the departments and regulate their pay by rank as well as by length of service. If the legislative body fails to adopt an ordinance fixing the compensation of members of the police or fire department, the safety board may fix their compensation, subject to change by ordinance.

(e) The safety board, subject to ordinance, may also fix the number of members of the police and fire departments and the number of appointees for other purposes and may, subject to law, adopt rules for the appointment of members of the departments and for their government.

(f) The safety board shall divide the city into police precincts and fire districts.

(g) The police chief has exclusive control of the police department, and the fire chief has exclusive control of the fire department, subject to the rules and orders of the safety board. In time of emergency, the police chief and the fire chief are, for the time being, subordinate to the city executive and shall obey ~~his~~ **the city executive's** orders and directions, notwithstanding any law or rule to the contrary.

SECTION 45. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as

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- 1 provided in subsections (b) and (c), consists of:
- 2 (1) two (2) members appointed by the executive of each county in
- 3 the authority;
- 4 (2) one (1) member appointed by the executive of the largest
- 5 municipality in each county in the authority;
- 6 (3) one (1) member appointed by the executive of each second
- 7 class city in a county in the authority; and
- 8 (4) one (1) member from any other political subdivision that has
- 9 public transportation responsibilities in a county in the authority.
- 10 (b) An authority that includes a consolidated city is under the
- 11 control of a board consisting of the following:
- 12 (1) Two (2) members appointed by the executive of the county
- 13 having the consolidated city.
- 14 (2) One (1) member appointed by the board of commissioners of
- 15 the county having the consolidated city.
- 16 (3) One (1) member appointed by the executive of each other
- 17 county in the authority.
- 18 (4) Two (2) members appointed by the governor from a list of at
- 19 least five (5) names provided by the Indianapolis regional
- 20 transportation council.
- 21 (5) One (1) member representing the four (4) largest
- 22 municipalities in the authority located in a county other than a
- 23 county containing a consolidated city. The member shall be
- 24 appointed by the executives of the municipalities acting jointly.
- 25 (6) One (1) member representing the excluded cities located in a
- 26 county containing a consolidated city that are members of the
- 27 authority. The member shall be appointed by the executives of the
- 28 excluded cities acting jointly.
- 29 (7) One (1) member of a labor organization representing
- 30 employees of the authority who provide public transportation
- 31 services within the geographic jurisdiction of the authority. The
- 32 labor organization shall appoint the member.
- 33 (c) An authority that includes a county having a population of more
- 34 than four hundred thousand (400,000) but less than seven hundred
- 35 thousand (700,000) is under the control of a board consisting of the
- 36 following ~~sixteen (16)~~ **twenty-one (21)** members:
- 37 (1) Three (3) members appointed by the executive of a city with
- 38 a population of more than ninety thousand (90,000) but less than
- 39 one hundred five thousand (105,000).
- 40 (2) Two (2) members appointed by the executive of a city with a
- 41 population of more than seventy-five thousand (75,000) but less
- 42 than ninety thousand (90,000).

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(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).

(B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).

(C) The fiscal body of a town with a population of more than

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- 1 five thousand (5,000) but less than eight thousand (8,000).  
 2 (D) The fiscal body of a town with a population of less than  
 3 one thousand five hundred (1,500).  
 4 (E) The fiscal body of a town with a population of more than  
 5 two thousand two hundred (2,200) but less than five thousand  
 6 (5,000).  
 7 (7) One (1) member appointed by the fiscal body of a town with  
 8 a population of more than thirty thousand (30,000) located within  
 9 a county with a population of more than four hundred thousand  
 10 (400,000) but less than seven hundred thousand (700,000).  
 11 (8) One (1) member who is jointly appointed by the following  
 12 authorities of municipalities that are located within a county with  
 13 a population of more than four hundred thousand (400,000) but  
 14 less than seven hundred thousand (700,000):  
 15 (A) The executive of a city having a population of more than  
 16 twenty-five thousand (25,000) but less than twenty-seven  
 17 thousand (27,000).  
 18 (B) The executive of a city having a population of more than  
 19 thirteen thousand nine hundred (13,900) but less than fourteen  
 20 thousand two hundred (14,200).  
 21 (C) The fiscal body of a town having a population of more  
 22 than one thousand five hundred (1,500) but less than two  
 23 thousand two hundred (2,200).  
 24 (9) Three (3) members appointed by the fiscal body of a county  
 25 with a population of more than four hundred thousand (400,000)  
 26 but less than seven hundred thousand (700,000).  
 27 (10) One (1) member appointed by the county executive of a  
 28 county with a population of more than four hundred thousand  
 29 (400,000) but less than seven hundred thousand (700,000).  
 30 (11) One (1) member of a labor organization representing  
 31 employees of the authority who provide public transportation  
 32 services within the geographic jurisdiction of the authority. The  
 33 labor organization shall appoint the member. If more than one (1)  
 34 labor organization represents the employees of the authority, each  
 35 organization shall submit one (1) name to the governor, and the  
 36 governor shall appoint the member from the list of names  
 37 submitted by the organizations.  
 38 (12) The executive of a city with a population of more than  
 39 twenty-seven thousand four hundred (27,400) but less than  
 40 twenty-eight thousand (28,000), located within a county with a  
 41 population of more than one hundred forty-five thousand  
 42 (145,000) but less than one hundred forty-eight thousand

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(148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

**(15) One (1) member appointed jointly by the township executive of the township containing the following towns:**

**(A) Chesterton.**

**(B) Porter.**

**(C) Burns Harbor.**

**(D) Dune Acres.**

**The member appointed under this subdivision must be a resident of a town listed in this subdivision.**

**(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:**

**(A) Washington Township.**

**(B) Morgan Township.**

**(C) Pleasant Township.**

**(D) Boone Township.**

**(E) Union Township.**

**(F) Porter Township.**

**(G) Jackson Township.**

**(H) Liberty Township.**

**(I) Pine Township.**

**The member appointed under this subdivision must be a resident of a township listed in this subdivision.**

SECTION 46. IC 36-9-3-9, AS AMENDED BY P.L.114-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsections~~ **subsection (c), and (d);** the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more

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than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

(1) an affirmative vote of a majority of the board is necessary for an action to be taken; and

(2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) ~~This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): A member described in section 5(c)(12); 5(c)(13); or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority.~~

SECTION 47. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ **ten (10)** days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease.

SECTION 48. IC 36-9-39.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works**

**Sec. 1. This chapter applies to all municipalities.**

**Sec. 2. As used in this chapter, "board" means the following:**

(1) A board described in IC 36-9-23-5.

(2) A board described in IC 36-9-25-2.

**Sec. 3. As used in this chapter, "fund" refers to a sewer improvement and extension fund established under section 5 of this chapter.**

**Sec. 4. If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.**

**Sec. 5. (a) A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.**

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(b) A fund consists of the following:

(1) A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.

(2) An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

Sec. 6. (a) The legislative body of a municipality that establishes a fund may appropriate money from the municipal general fund and transfer the money to the fund.

(b) During the fiscal year in which a municipality establishes a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

Sec. 7. (a) A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

(b) Any costs not paid under subsection (a) must be paid by:

(1) an assessment imposed under subsection (c) against the benefited properties; or

(2) a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

(c) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

Sec. 8. (a) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

(1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and

(2) prepare and make out an assessment roll listing the

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assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund.

SECTION 49. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23; IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4.

SECTION 50. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

(1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.

(2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political party, appointed by the speaker of the house of representatives.

(3) One (1) individual who is not a legislator, appointed by the northwestern Indiana regional planning commission.

(4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.

(d) The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the

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1 commission, and the vice chairman of the legislative council shall  
2 select one (1) member of the commission to serve as vice  
3 chairperson of the commission.

4 (e) The commission shall:

5 (1) monitor the development of commuter transportation and  
6 rail service in the Lowell-Chicago and Valparaiso-Chicago  
7 corridors;

8 (2) study all aspects of regional mass transportation and road  
9 and highway needs in Lake County, Porter County, LaPorte  
10 County, St. Joseph County, and Elkhart County;

11 (3) study northwest Indiana transportation, infrastructure,  
12 and economic development issues; and

13 (4) study other topics as assigned by the legislative council.

14 (f) The commission shall submit a final report of the  
15 commission's findings and recommendations to the legislative  
16 council before November 1, 2009. The report must be in an  
17 electronic format under IC 5-14-6.

18 (g) The commission shall operate under the rules of the  
19 legislative council.

20 (h) This SECTION expires November 2, 2009.

21 SECTION 51. An emergency is declared for this act.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 11, delete "or meeting." and insert "**for which a statute requires notice to be published under this chapter.**".

Page 3, line 40, delete "If a county auditor publishes a notice".

Page 3, delete lines 41 through 42.

Page 4, delete line 1.

Page 22, line 40, after "penalties" strike "of" and insert "**up to a specific dollar amount set forth in an ordinance adopted by the legislative body, but**".

Page 24, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 21. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26;

(2) at least fifty thousand dollars (\$50,000) in:

(A) a third class city or town with a population of more than five thousand (5,000); or

(B) a county containing a third class city or town with a population of more than five thousand (5,000); or

(3) at least ~~twenty-five~~ **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)** in a political subdivision or an agency not described in subdivision (1) or (2).

(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the

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notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.

(6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or

(B) reject all bids submitted.

(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

(10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

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(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

- (A) The ability and capacity of the bidder to perform the work.
- (B) The integrity, character, and reputation of the bidder.
- (C) The competence and experience of the bidder.

(12) The board shall require the bidder to submit an affidavit:

(A) that the bidder has not entered into a combination or agreement:

- (i) relative to the price to be bid by a person;
- (ii) to prevent a person from bidding; or
- (iii) to induce a person to refrain from bidding; and

(B) that the bidder's bid is made without reference to any other bid.

(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications."

Delete page 25.

Page 26, delete lines 1 through 37.

Page 26, line 41, delete "seventy-five" and insert "**fifty**".

Page 26, line 41, delete "\$75,000" and insert "**(\$50,000)**".

Page 35, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 34. IC 36-7-7.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

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**(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:**

**(A) is located in a county described in section 1 of this chapter;**

**(B) has a population of at least eight thousand (8,000); and**

**(C) does not contain a municipality.**

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter."

Page 36, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 36. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the

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authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following ~~sixteen (16)~~ **twenty-one (21)** members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand

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(8,000) but less than nine thousand (9,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).

(B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than eight thousand (8,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).

(B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

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(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

**(15) One (1) member appointed jointly by the town board executives of the following towns:**

- (A) Chesterton.**
- (B) Porter.**
- (C) Burns Harbor.**
- (D) Dune Acres.**

**The member appointed under this subdivision must be a resident of a town listed in this subdivision.**

**(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:**

- (A) Washington Township.**
- (B) Morgan Township.**
- (C) Pleasant Township.**

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- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

**The member appointed under this subdivision must be a resident of a township listed in this subdivision.**

SECTION 37. IC 36-9-3-9, AS AMENDED BY P.L.114-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsections~~ **subsection** (c), ~~and (d)~~; the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): A member described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority:".

Page 37, between lines 12 and 13, begin a new paragraph and insert: "SECTION 40. IC 36-9-39.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

**Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works**

**Sec. 1. This chapter applies to all municipalities.**

**Sec. 2. As used in this chapter, "board" has the meaning set forth in IC 36-9-23-5.**

**Sec. 3. As used in this chapter, "fund" refers to a sewer**

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improvement and extension fund established under section 5 of this chapter.

**Sec. 4.** If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.

**Sec. 5. (a)** A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.

**(b)** A fund consists of the following:

**(1)** A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.

**(2)** An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

**Sec. 6. (a)** The legislative body of a municipality that establishes a fund may appropriate money from the municipal general fund and transfer the money to the fund.

**(b)** During the fiscal year in which a municipality establishes a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

**Sec. 7. (a)** A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

**(b)** Any costs not paid under subsection (a) must be paid by:

**(1)** an assessment imposed under subsection (c) against the benefited properties; or

**(2)** a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

**(c)** The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

**Sec. 8. (a)** A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public

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improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund."

Page 37, after line 14, begin a new paragraph and insert:

"SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

- (1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.
- (2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political

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party, appointed by the speaker of the house of representatives.

(3) One (1) individual who is not a legislator, appointed by the northwestern Indiana regional planning commission.

(4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.

(d) The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the commission, and the vice chairman of the legislative council shall select one (1) member of the commission to serve as vice chairperson of the commission.

(e) The commission shall:

(1) monitor the development of commuter transportation and rail service in the Lowell-Chicago and Valparaiso-Chicago corridors;

(2) study all aspects of regional mass transportation and road and highway needs in Lake County, Porter County, LaPorte County, St. Joseph County, and Elkhart County;

(3) study northwest Indiana transportation, infrastructure, and economic development issues; and

(4) study other topics as assigned by the legislative council.

(f) The commission shall submit a final report of the commission's findings and recommendations to the legislative council before November 1, 2009. The report must be in an electronic format under IC 5-14-6.

(g) The commission shall operate under the rules of the legislative council.

(h) This SECTION expires November 2, 2009.

SECTION 43. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1102 as introduced.)

HINKLE, Chair

Committee Vote: yeas 10, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 35, between lines 2 and 3, begin a new paragraph and insert:  
**"SECTION 34. IC 36-7-4-1109 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1109. (a) As used in this section, "governmental agency" includes any agency, officer, board, or commission of government that may issue:**

- (1) a permit; or**
- (2) an approval for the construction of a development, a building, or another structure.**
- (b) As used in this section, "permit" means any of the following:**
  - (1) An improvement location permit.**
  - (2) A building permit.**
  - (3) A certificate of occupancy.**
  - (4) Approval of a site-specific development plan.**
  - (5) Approval of a primary or secondary plat.**
  - (6) Approval of a special exception or special use.**
  - (7) Approval of a planned unit development.**

**(c) If a person files an application for a permit with the appropriate governmental agency, the granting of the permit is governed by the statutes, ordinances, rules, development standards, and regulations in effect and applicable to the subject property when the application is filed, even if before the issuance of the permit or while the permit approval process is pending the statutes, ordinances, rules, development standards, or regulations governing the granting of the permit are changed:**

- (1) by the general assembly or the applicable local legislative body or regulatory body; or**
- (2) as the result of the annexation of the property to which the permit relates.**

**(d) Subsection (e) applies if:**

- (1) either:**
  - (A) a governmental agency issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or**
  - (B) a permit or approval is not required from the governmental agency for the construction of the development, building, or structure;**
- (2) before beginning the construction of the development, building, or structure, the person must obtain a permit or**

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approval for the construction of the development, building, or structure from a second governmental agency; and

(3) the person has applied for the permit or requested approval for the construction of the development, building, or structure from the second governmental agency.

(e) If the conditions of subsection (d) are satisfied:

(1) a permit or approval issued or granted to a person by the first governmental agency for the construction of the development, building, or structure; or

(2) the person's right to construct the development, building, or structure without a permit or approval from the first governmental agency;

is governed by the statutes, ordinances, rules, development standards, regulations, and approvals in effect and applicable to the subject property when the person applies for the permit or requests the approval from the second governmental agency for the construction of the development, building, or structure, even if before the commencement of the construction or while the permit application or approval request is pending with the second governmental agency the statutes governing the granting of the permit or approval from the first governmental agency are changed by the general assembly or the ordinances, rules, development standards, or regulations of the first governmental agency are changed by the applicable local legislative body or regulatory body or as the result of the annexation of the property to which the permit relates."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 22, between lines 31 and 32, begin a new paragraph and insert:  
 "SECTION 18. IC 13-21-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
  - (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
  - (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
  - (4) The power to sue and be sued.
  - (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
  - (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
    - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
    - (B) The managing or disposal of solid waste.
    - (C) The sale or other disposition of materials or products generated by a facility.
- Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.
- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
  - (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
  - (9) The power to sell or lease any facility or part of a facility to any person.
  - (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
  - (11) The power to enter upon property to make surveys, soundings, borings, and examinations.

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(12) The power to:

(A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and

(B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

(A) Regular budget and tax levy procedures.

(B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and

(B) recovery of waste products from the solid waste stream;

if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

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(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate **board members and** advisory committee members for attending meetings at a rate determined by the board. **However, compensation paid under this subdivision to a board member or an advisory committee member may not exceed seventy-five dollars (\$75) for each meeting.**

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The balance

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in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

- (i) mercury commodities; and
- (ii) mercury-added products; and

(B) collection programs available to the public for:

- (i) mercury commodities; and
- (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses."

Page 34, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 34. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, **except as provided in subsection (i)**, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any

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other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(g) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

**(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the township legislative body by any amount."**

Page 35, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 37. IC 36-7-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Each redevelopment commissioner shall serve for ~~one (1)~~ **year three (3)** years from the first day of January after ~~his~~ **the commissioner's** appointment and until ~~his~~ **the commissioner's** successor is appointed and has qualified. ~~except that the original commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment.~~ If a vacancy occurs, a successor shall be appointed in the same manner as the original commissioner, and the successor shall serve for the remainder of the vacated term.

(b) Each redevelopment commissioner, before beginning ~~his~~ **the commissioner's** duties, shall take and subscribe an oath of office in the

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usual form, to be endorsed on the certificate of ~~his~~ **the commissioner's** appointment, which shall be promptly filed with the clerk for the unit that ~~he~~ **the commissioner** serves.

(c) Each redevelopment commissioner, before beginning ~~his~~ **the commissioner's** duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be conditioned on the faithful performance of the duties of ~~his~~ **the commissioner's** office and the accounting for all monies and property that may come into ~~his~~ **the commissioner's** hands or under ~~his~~ **the commissioner's** control. The cost of the bond shall be paid by the special taxing district.

(d) A redevelopment commissioner must be at least eighteen (18) years of age, and must be a resident of the unit that ~~he~~ **the commissioner** serves.

(e) If a commissioner ceases to be qualified under this section, ~~he~~ **the commissioner** forfeits ~~his~~ **the commissioner's** office.

(f) Except as provided in subsection (g), redevelopment commissioners are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(g) A redevelopment commissioner who does not otherwise hold a lucrative office for the purpose of Article 2, Section 9 of the Indiana Constitution may receive:

- (1) a salary; or
- (2) a per diem;

and is entitled to reimbursement for expenses necessarily incurred in the performance of the redevelopment commissioner's duties."

Page 45, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 46. [EFFECTIVE JULY 1, 2006] **IC 36-7-14-7, as amended by this act, applies to the term of a redevelopment commissioner that begins after June 30, 2006.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 22, line 40, delete "five" and insert "**two**".

Page 22, line 40, after "hundred" insert "**fifty**".

Page 22, line 40, delete "(\$500);" and insert "**(\$250);**".

(Reference is to HB 1102 as printed January 18, 2002.)

BORDERS

## HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 6, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 5. IC 5-11-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a written or printed certified report, correctly and completely showing the names and **business** addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year."

Page 12, line 6, after "(j)" insert ",".

Page 12, line 6, strike "and".

Page 12, line 6, after "(k)," insert "**and (l),**".

Page 12, line 37, strike "one (1) week" and insert "**two (2) weeks**".

Page 12, line 39, after "office" insert ".".

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Page 12, line 39, strike "specifying".

Page 12, line 40, strike "how to make the required reductions in the amount budgeted by fund." and insert **"The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error."**

Page 12, line 41, strike "reductions" and insert **"the adjustments"**.

Page 13, line 1, after "subsection" insert ".".

Page 13, line 1, strike "and sufficiently specifies all".

Page 13, strike lines 2 through 4.

Page 14, between lines 23 and 24, begin a new paragraph and insert:

**"(l) This subsection does not apply to a school corporation. If a petition is not filed with:**

**(1) the proper officers of a political subdivision in accordance with section 5 of this chapter; or**

**(2) the county auditor in accordance with section 13 of this chapter;**

**the department of local government finance may not conduct a public hearing under subsection (c) and must limit its review of the political subdivision's budget, tax rate, and levy to a determination as to whether the political subdivision's proposed property tax levy for the ensuing year complies with IC 6-1.1-18.5-3."**

Page 14, strike lines 37 through 42.

Page 15, strike lines 1 through 42.

Page 16, strike lines 1 through 3.

Page 16, between lines 3 and 4, begin a new paragraph and insert:

**"(b) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information with the department of local government finance.**

**(c) The additional appropriation may not have the effect of increasing the approved tax rate or levy and must be supported by sufficient revenues on hand or unobligated revenues, as certified by the fiscal officer.**

**(d) The additional appropriation must be treated as approved following the adoption of the ordinance or resolution making the appropriation.**

SECTION 12. IC 6-1.1-18-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) The proper officers of a political subdivision may transfer money from one (1) of the**

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political subdivision's funds to another fund of the political subdivision after the adoption of an ordinance or resolution specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(b) The political subdivision shall publish a notice of a transfer made under this section one (1) time in conformity with IC 5-3-1.

(c) The amount transferred is available for use after an appropriation of the funds in conformity with section 5 of this chapter.

SECTION 13. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. **In addition to any publication requirements, a civil taxing unit other than a county, first class city, or second class city must post a printed notice of the petition in three (3) prominent places in the civil taxing unit.** A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

**Except as provided in subsection (g),** the department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a

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decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

**(g) The department of local government finance may not consult the local government tax control board when determining whether to authorize incurring the bonded indebtedness or the execution of the lease if:**

**(1) a sufficient petition objecting to the bond issue or the lease was not filed in accordance with IC 6-1.1-20-5; or**

**(2) with respect to a controlled project (as defined in IC 6-1.1-20-1.1):**

**(A) a sufficient petition requesting the application of a petition and remonstrance process was not filed in accordance with IC 6-1.1-20-3.1; or**

**(B) the certificate filed with the political subdivision by the county auditor under IC 6-1.1-20-3.2(5) states that a greater number of owners of real property within the political subdivision have signed a petition than have signed a remonstrance with respect to the controlled project."**

Page 22, between lines 5 and 6, begin a new paragraph and insert:

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"SECTION 20. IC 8-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All funds allocated to cities and towns from the motor vehicle highway account shall be used by the cities and towns for the:

- (1) **engineering, land acquisition**, construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting, and cleaning of their highways, ~~as herein defined;~~ **and including also any curbs; and the**
- (2) city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads; ~~the~~
- (3) purchase or lease of highway construction and maintenance equipment; ~~the~~
- (4) purchase, erection, operation and maintenance of traffic signs and signals, and safety zones and devices; and ~~the~~
- (5) painting of structures, objects, **and** surfaces in highways for purposes of safety and traffic regulation.

All of ~~such the~~ funds shall be budgeted as provided by law.

(b) In addition to purposes for which funds may be expended under subsections (a) and (c) of this section, monies allocated to cities and towns under this chapter may be expended for law enforcement purposes, subject to the following limitations:

- (1) For cities and towns with a population of less than five thousand (5,000), no more than fifteen percent (15%) may be spent for law enforcement purposes.
- (2) For cities and towns other than those specified in subdivision (1) of this subsection, no more than ten percent (10%) may be spent for law enforcement purposes.

(c) In addition to purposes for which funds may be expended under subsections (a) and (b) of this section, monies allocated to cities and towns under this chapter may be expended for the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects **and for the payment of the indirect costs associated with municipal street departments.**

**(d) A city or town may combine funds allocated under this chapter with funds allocated under IC 8-14-2.**

SECTION 21. IC 8-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a)** Money from the local road and street account shall be used exclusively by the cities, towns, and counties for:

- (1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;

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- (2) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;
- (3) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5; or
- (4) the purchase, rental, or repair of highway equipment.

**(b) In addition to the purposes specified in subsection (a), cities, towns, and counties may use money from the local road and street account for:**

- (1) oiling, sprinkling, snow removal, weed and tree cutting, and cleaning of their highways, including any curbs;**
- (2) the city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads;**
- (3) the purchase, erection, operation, and maintenance of traffic signs and signals, and safety zones and devices; and**
- (4) the painting of structures, objects, and surfaces in highways for purposes of safety and traffic regulation.**

**(c) A city or town may combine funds allocated under this chapter with funds allocated under IC 8-14-1."**

Page 22, between lines 31 and 32, begin a new paragraph and insert:  
"SECTION 23. IC 12-19-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds issued under section 31 of this chapter:

- (1) may be of any denomination that is:
  - (A) not less than fifty dollars (\$50); and
  - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
  - (A) at any place named on the serial bonds; and
  - (B) at any time not later than fifteen (15) years after the date of the serial bonds;
- (3) may bear any rate of interest, payable annually or semiannually;
- (4) shall be sold at not less than the par value of the bonds; and
- (5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal).**

SECTION 24. IC 12-19-7.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds issued under section 30 of this chapter:

- (1) may be of any denomination that is:
  - (A) not less than fifty dollars (\$50); and
  - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
  - (A) at any place named on the serial bonds; and

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(B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 25. IC 12-20-21-2, AS AMENDED BY P.L.73-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes, either by a county or township, may not be considered as a part of and may not be commingled with other money of the county. Township assistance money raised by townships may not be commingled, except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 26. IC 12-20-24-1, AS AMENDED BY P.L.73-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal **to the department of local government finance** for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following:

(1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

(3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

SECTION 27. IC 12-20-24-5, AS AMENDED BY P.L.73-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section~~ **section 1** of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the

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department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account.

(b) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 28. IC 12-20-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners **or** county council **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

SECTION 29. IC 12-20-24-7, AS AMENDED BY P.L.73-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners **or** a county council **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department may not do any of the following:

(1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article.

(2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 30. IC 12-20-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township board:

(1) appeals before August 1 for permission to borrow money;

(2) receives permission from:

**(A) the board of commissioners or the county council, before July 1, 2006; or**

**(B) the department;**

to borrow money before November 1 of that year; and

(3) borrows money under this chapter;

the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(b) If a township board:

(1) appeals after August 1 for permission to borrow money;

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(2) receives permission from:

(A) the board of commissioners **or the county council, before July 1, 2006;** or

(B) the department;

to borrow money; and

(3) borrows money in the year of the appeal under this chapter; the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

SECTION 31. IC 12-20-25-30, AS AMENDED BY P.L.73-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under ~~IC 12-20-23~~ or IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

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(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 32. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

(1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).

(2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 **(before its repeal)**, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.

(3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

(4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 33. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed

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township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (**before its repeal**), and IC 12-20-23-19 (**before its repeal**), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county."

Page 22, after line 42, begin a new paragraph and insert:

"SECTION 35. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

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(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of at any time during~~ the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year."~~

Page 23, delete lines 34 through 42.

Page 24, delete lines 1 through 32.

Page 35, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 51. IC 36-7-7.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six (26)~~ **Twenty-seven (27)** commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six (26)~~ **twenty-seven (27)** members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be

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used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

- (1) a regular meeting; or
- (2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

- (1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

- (2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

- (3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county

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that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

**(4) In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:**

**STEP ONE: Determine the population of the township as reported by the 2000 decennial census.**

**STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.**

**STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.**

**STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).**

**STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50)."**

Page 40, line 6, delete "town board" and insert "**township executive**".

Page 40, line 7, delete "executives of" and insert "**of the township containing**".

Page 44, delete lines 11 through 12, begin a new paragraph and insert:

"SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23; IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper that:

- (1) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (2) has:
  - (A) been published for at least ~~three (3)~~ **two (2)** consecutive years in the same city or town;
  - (B) **obtained subscriptions from at least ten percent (10%) of the population of the city or town in which the newspaper is published; or**
  - (C) **accumulated at least fifty percent (50%) of all newspaper subscriptions in the city or town in which the newspaper is published;**
- (3) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and
- (4) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal.

SECTION 2. IC 5-3-1-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;
- (2) is of general circulation to the public;
- (3) has:
  - (A) been published for at least ~~three (3)~~ **two (2)** consecutive years in the same city or town;
  - (B) **obtained subscriptions from at least ten percent (10%) of the population of the city or town in which the newspaper is published; or**
  - (C) **accumulated at least fifty percent (50%) of all newspaper subscriptions in the city or town in which the newspaper is published;**
- (4) has continuity as to title and general nature of content from issue to issue;
- (5) contains news of general or community interest, community notices, or editorial commentary;

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(6) contains advertisements from unrelated advertisers in each issue;

(7) has, in more than one-half (1/2) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;

(8) has a known office location in the county in which it is published; and

(9) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

(1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.

(2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.

(3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.

(4) The publication is primarily devoted to matters of specialized interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.

(5) The publication is a magazine, racing form, or tip sheet."

**RENUMBER ALL SECTIONS CONSECUTIVELY**

(Reference is to HB 1102 as printed January 18, 2006).

THOMPSON

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.4. As used in this

**EH 1102—LS 6774/DI 73+**



chapter, "newspaper" refers to a newspaper:

(1) that:

~~(1)~~ (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

~~(2)~~ (B) has been published for at least three (3) consecutive years in the same city or town;

~~(3)~~ (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and

~~(4)~~ (D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; or

(2) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;

(C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's highest monthly paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for that same month for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) during at least one (1) month during the preceding year."

Delete page 2.

Page 3, delete lines 1 through 8.

Page 4, line 29, delete "that is any of the" and insert "for which notice is required to be given by publication in accordance with this chapter, a city or town must publish the required notice one (1)

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**time at least ten (10) days before the event or action."**

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 2.

Page 5, line 22, after "time." insert **"If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county auditor's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision."**

Page 11, line 3, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 4, delete ", at least one (1) week apart, with the second".

Page 11, line 5, delete "publication made".

Page 11, line 5, delete "seven (7)" and insert **"ten (10)"**.

Page 11, between lines 16 and 17, begin a new paragraph and insert:  
**"SECTION 10. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.**

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
  - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
  - (B) the percentage from the following table:

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YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

**(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e)."**

Page 11, line 34, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 34, delete ", at least one (1) week apart, with".

Page 11, line 35, delete "the second publication made".

Page 11, line 35, delete "seven (7)" and insert **"ten (10)"**.

Page 14, line 7, after "(j)" delete ",".

Page 14, line 7, before "(k)," reset in roman "and".

Page 14, line 7, delete "and (l)".

Page 15, line 4, strike "make".

Page 15, line 4, after "reductions" insert **"consider"**.

Page 15, line 6, after "subsection" delete ".".

Page 15, line 9, after "fund." insert **"and shall deliver a final decision to the political subdivision."**

Page 16, delete lines 29 through 39.

Page 17, line 7, delete "published two (2) times under" and insert **"given once in accordance with IC 5-3-1-2(n)."**

Page 17, delete lines 8 through 10.

Page 17, reset in roman lines 11 through 42.

Page 18, reset in roman lines 1 through 19.

Page 18, delete lines 20 through 42.

Page 19, delete lines 1 through 4.

Page 19, line 29, delete "Except as provided in subsection (g), the"

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and insert "The".

Page 20, delete lines 17 through 42.

Delete pages 21 through 22.

Page 23, delete lines 1 through 38.

Page 24, line 3, delete "seven" and insert "**ten (10)**".

Page 24, line 4, delete "(7)".

Page 24, delete lines 22 through 42.

Page 25, delete lines 1 through 29.

Page 26, line 24, delete "seven (7)" and insert "**ten (10)**".

Page 26, delete lines 36 through 42.

Delete page 27.

Page 28, delete lines 1 through 37.

Page 34, delete lines 4 through 42.

Delete pages 35 through 36.

Page 37, delete lines 1 through 20.

Page 38, delete lines 29 through 42.

Page 39, delete lines 1 through 19.

Page 43, line 35, after "made" delete ":".

Page 43, line 36, delete "(A)".

Page 43, run in lines 35 through 36.

Page 43, line 38, delete "; or" and insert ", **and be published one (1) time at least ten (10) days before the date by which proposals must be received, in the case of a governing body of a city or town; and**".

Page 43, delete lines 39 through 41.

Page 44, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 43. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

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(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records ~~produced by a photographic process~~; and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder

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may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes."

Page 45, delete lines 3 through 39.

Page 46, line 5, delete "two (2) times" and insert "**once**".

Page 46, line 5, delete "at least one (1) week apart,".

Page 46, line 6, delete "second".

Page 46, line 6, delete "seven (7)" and insert "**ten (10)**".

Page 46, line 23, strike "not".

Page 46, line 23, after "increased" insert "**or decreased by the executive**".

Page 46, line 24, after "fixed" delete "," and insert ".".

Page 46, line 24, strike "but may be reduced by the".

Page 46, line 25, strike "executive".

Page 46, delete lines 37 through 42.

Delete page 47.

Page 48, delete lines 1 through 38.

Page 50, delete lines 4 through 42.

Delete page 51.

Page 52, delete lines 1 through 18.

Page 53, line 8, delete "Twenty-seven (27)" and insert "**A majority of the**".

Page 53, line 15, delete "twenty-seven (27)" and insert "**a majority of the**".

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Page 61, delete lines 22 through 42.

Page 62, delete lines 1 through 30, begin a new paragraph and insert:

"SECTION 62. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ **ten (10)** days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease."

Page 62, delete lines 37 through 38, begin a new paragraph and insert:

**"Sec. 2. As used in this chapter, "board" means the following:**

**(1) A board described in IC 36-9-23-5.**

**(2) A board described in IC 36-9-25-2."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1102 as reprinted January 24, 2006.)

KENLEY, Chairperson

Committee Vote: Yeas 11, Nays 0.

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#### SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 40, delete lines 5 through 42.

Page 41, delete lines 1 through 2.

Page 49, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

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## SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 34, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 34. IC 36-4-6-4, AS AMENDED BY P.L.230-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b), ~~or~~ (j), **or (m)** resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an

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ordinance described by this subsection; and

(2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or~~ (j), **or (m)** shall be made:

(1) during the second year after a year in which a federal decennial census is conducted; and

(2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

(1) are composed of contiguous territory;

(2) are reasonably compact;

(3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

**(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that changes into a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under**

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**IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:**

- (1) the city shall be divided into three (3) districts that:**
  - (A) are composed of contiguous territory;**
  - (B) are reasonably compact;**
  - (C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and**
  - (D) contain, as nearly as is possible, equal population; and**
- (2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.**

**Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.**

~~(m)~~ **(n)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

~~(m)~~ **(o)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and**
- (2) contains the least population of all districts contiguous to that territory.**

~~(o)~~ **(p)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;**
- (2) is contiguous to that territory; and**
- (3) contains the least population of all districts contiguous to that territory."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

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## SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 26, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 29. IC 36-1-7-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. (a) As used in this section, "economic development project" has the meaning set forth in IC 6-3.5-7-13.1(c). The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.**

**(b) An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:**

**(1) After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:**

**(A) One (1) or more entities that have entered into the agreement.**

**(B) An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.**

**(C) A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.**

**(D) A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).**

**(2) Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D)."**

Re-number all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

ROGERS

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## SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

(Reference is to EHB 1102 as printed February 15, 2006.)

DROZDA

## SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 2, line 11, delete "highest monthly"

Page 2, line 13, delete "for that same".

Page 2, line 14, delete "month".

Page 2, line 18, delete "newspaper's" and insert "newspapers".

Page 2, line 19, delete "newspaper" and insert "newspapers".

Page 2, line 24, delete "during at least one" and insert "**based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.**".

Page 2, delete line 25.

Page 4, line 29, delete "county auditor's" and insert "county's".

Page 29, delete line 42, begin a new paragraph and insert:

"SECTION 31. IC 36-1-12-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:

(1) at least twenty-five thousand dollars (\$25,000) and less than seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26; or

(2) at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000) in:

(A) a third class city or town with a population of more than

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five thousand (5,000); ~~or~~

(B) a county containing a third class city or town with a population of more than five thousand (5,000); **or**

**(C) a political subdivision or agency not described in subdivision (1) or clauses (A) or (B).**

(b) The board must proceed under the following provisions:

(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.

(2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(3) The board shall award the contract for the public work to the lowest responsible and responsive quoter.

(4) The board may reject all quotes submitted."

Delete page 30.

Page 31, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1102 as printed February 15, 2006.)

LAWSON C

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 33, line 28, after "inches." insert "**However, a county legislative body may adopt an ordinance to reduce the fee charged by the county recorder for furnishing copies under this subdivision. An ordinance adopted under this subdivision must specify the amount of the reduced fee that shall be charged by the county recorder for furnishing copies under this subdivision.**"

(Reference is to EHB 1102 as printed February 15, 2006.)

LAWSON C



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